

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	Art Unit: 1644
)	
CLASSEN, John Barthelow)	Examiner: GAMBEL, P.
)	
Serial No.: 08/591,651)	Washington, D.C.
)	
Filed: February 12, 1996)	March 26, 2013
)	
For: METHOD AND COMPOSITION)	Docket No.: CLASSEN-1A
FOR AN EARLY VACCINE TO)	
PROTECT AGAINST BOTH...)	Confirmation No.: 9417

COMMUNICATION RE INCOMPLETELY PROCESSED
INFORMATION DISCLOSURE STATEMENT

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S i r :

This case is under suspension, but this communication should be considered once active prosecution is resumed. We write with regard to the PTO's processing of the July 23, 1997 IDS, a courtesy copy of which, including all lists, was attached to IDS #8 filed February 4¹. The IFW copy of the July 23, 1997 submission is incomplete. It includes only the 4 page introductory document and the pages with references numbered 1-37, the latter subsequently initialed as considered. However, the IDS additionally included

(1) a page listing references AL (EP 94,575) and AM (WO 92/03733), which were cited in the International Search Report and consequently copies should have been transmitted to the US/RO by the ISA/EP

¹We note that the PTO rules at the time of submission of the July 23, 1997 IDS did not require that the serial number of the new case be placed on each sheet. However, this serial number was added to the courtesy copy.

and considered per MPEP 609.03²,

(2) a copy of a June 20, 1996 PTO-892 in the parent case, listing references A-D, R, and S,

(3) a copy of a February 2, 1994 PTO-892 in the parent case, listing references A-C, and

(4) a copy of a 4 page PTO-1449 in the parent case, listing references AA, AB and AL-CN.

Copies of the references for items (2)-(4) were to be found in the parent case. Even if the lists for (2)-(4) had not been submitted, the references from the parent case should have been considered per MPEP 609.02. Please note that replacement copies of all of the references for the parent case were provided in our January 21, 2010 reconstruction of the parent case file.

We also note that our file copy of the October 23, 1998 office action included an unmarked copy of item (4) above, i.e., the PTO plainly received item (4).

Respectfully submitted,

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² These references are in the IFW.